UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

DARIANA LUPERON

Plaintiff(s)

- against -

NORTH JERSEY TRUCK CENTER, INC., MORETRAN LEASING CORP. and RANDY CAMPOSMATOS

> Defendant(s) And Two Third-Party Actions

REPLY TO COUNTER CLAIM

Docket #: 07-CV -9630 (HB)

Defendant/Second Third-Party Plaintiff Randy Camposmatos, replying to the counterclaim of the Second Third-Party Defendant City of New York, upon information and belief, states as follows:

ANSWERING A FIRST COUNTERCLAIM

FIRST: Denies each and every allegation contained in paragraphs numbered and designated as: 51.

WHEREFORE, Defendant/Second Third-Party Plaintiff Randy Camposmatos, hereby demands judgment dismissing the counterclaim of the Second Third-Party defendant, City of New York, together with the costs and disbursements of this action.

DATED:

WESTBURY, NY JULY 8, 2008

John W. Kondulis, Esq. (JK4978)

JAMES/G/BILELLO & ASSOCIATES (JB7226)

Attorneys for Defendant/Second Third-Party

Plaintiff/Randy Camposmatos

875 Merrick Avenue

Westbury, NY 11590

(516) 229-4312

TO:

Kevin Concagh PC Attorneys for Plaintiff 225 Broadway New York, NY 10007 Price, Meese, Shulman & D'Arminio P.C. Attorneys for Deft./First Third Party Plaintiff North Jersey Truck Center, Inc. and Moretran Leasing Corp. 106 Corporate Park Drive White Plains, NY 10604

Smartway Transport LLC 148 South 12th Avenue Mt. Vernon, NY 10550

Collie C. Arnold 112 Courtland Avenue Stamford, CT 06902-3424

Michael A. Cardozo Corporation Counsel Atty for 2nd 3rd Pty Deft. The City Of New York 100 Church Street New York, NY 10007

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK) SS.: COUNTY OF NASSAU)

Joan Panzella, being duly sworn deposes and says that she is over the age of 18 years, that on the <u>Y</u> day of July, 2008, she served the annexed REPLY TO COUNTERCLAIM upon the following named attorneys and parties:

TO:

Kevin Concagh PC Attorneys for Plaintiff Dariana Luperon 225 Broadway New York, NY 10007

Smartway Transport LLC 148 South 12th Avenue Mt. Vernon, NY 10550

Michael A. Cardozo Corporation Counsel Atty for 2nd 3rd Pty Deft. The City Of New York 100 Church Street New York, NY 10007 Price, Meese, Shulman & D'Arminio P.C. Attys for Def/First 3rd Pty Pltf North Jersey Truck Center, Inc. and Moretran Leasing Corp. 106 Corporate Park Drive White Plains, NY 10604

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by depositing true copies thereof in a post box maintained by the United States Postal Authorities, enclosed in securely closed post-pain wrappers addressed to the above named attorney(s) and parties(s) listed above: that being addressed designated by them as ascertained by deponent from the file maintained in the office of the attorneys for the Plaintiff(s), herein.

Sworn to before me this day of July, 2008

Notary Public

JOHN W. KONDULIS

Notary Public, State of New York

No. 02KO4649868

Qualified in Nassau County

21, 20

Commission Expires Jan. 31, 20

Jøan Panzella

Docket No. 07-CV -9630 (HB)

Year: 2008

DARIANA LUPERON

Plaintiff(s)

- against -

NORTH JERSEY TRUCK CENTER, INC., MORETRAN LEASING CORP. and RANDY CAMPOSMATOS REPLY TO COUNTER CLAIM

Defendant(s) And Two Third-Party Actions

JAMES G. BILELLO & ASSOCIATES

Attorneys for the Plaintiff(s) 875 Merrick Ave Westbury, NY 11590 (516) 229-4312

TO

Kevin Concagh PC Attorneys for Plaintiff Dariana Luperon 225 Broadway New York, NY 10007

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Due and timely service of a copy of the within REPLY TO COUNTER CLAIM is hereby admitted Dated July 8, 2008

Attorney(s) for Randy Camposmatos